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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,068	04/04/2001	Hsiang Tsun Yen	ACR0020-US	1977
34283	7590	07/30/2004	EXAMINER	
QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404			WU, QING YUAN	
			ART UNIT	PAPER NUMBER
			2127	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/825,068	Applicant(s) YEN ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/29/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/14/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-40 are pending in the application.

#### ***Drawings***

2. Fig. 9 of the drawing is objected to because of unknown characters (characters not in the English language). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Claim 12 is objected to because of the following informalities:

Receiving second configuration file "from client computer" on Line 20.

It is assumed that the applicant means by "at client computer" and will be treated as such for the remainder of this office action. Applicant is required to correct the claim language in response to this office action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

- a. The following terms lack antecedent basis
  - i. The server- claim 1, line 4
  - ii. The default program logic file – claim 6, line 3

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenner (U.S. Patent 6,314,565).

7. As to claim 1, Kenner teaches the invention as claimed including a method for dynamically loading program logic [abstract, lines 1-5] comprising:

- b. launching an application from client computer that issues a request [Fig.1; col. 4, lines 30-37; col. 5, lines 58-64];
- c. receiving the request at the server and transferring a configuration file to the client computer based on said request, wherein the configuration file comprises a program logic file name, and a program logic file address, and the program logic file address corresponds to a storage apparatus where the program logic file corresponding to the program logic file name is located, said program logic file comprises the program logic required to execute the application [Fig. 1; Fig. 3; col. 9, lines 15-20; col. 5, lines 58-62; col. 6, lines 17-47];
- d. receiving the configuration file at client computer [col. 6, lines 56-67];
- e. linking to the storage apparatus corresponding to the program logic file address and downloading the program logic file which corresponds to the program logic file name, according to the program logic file address corresponding to the program logic file name in the configuration file from client computer [col. 5, lines 50-65; col. 6, lines 40-47; col. 8, lines 18-29]; and

f. executing the application in accordance with program logic in the program logic file at the client computer [col. 8, lines 30-46].

8. As to claim 2, Kenner teaches the invention as claimed including the storage apparatus is an external server [Fig. 1].

9. As to claim 3, Kenner teaches the invention as claimed including the server further comprises a storage apparatus [col. 5, lines 3-4].

10. As to claim 4, Kenner teaches the invention as claimed including the client computer further comprises a client computer storage apparatus used to store the configuration file [col. 5, lines 1-2].

11. As to claim 5, Kenner teaches the invention as claimed including the client computer further comprises a client computer storage apparatus used to store the program logic file [col. 5 lines 1-2].

12. As to claim 6, Kenner teaches the invention as claimed including the client computer further comprises a program interpreter and executes default program logic in the default program logic file while launching the application from the client computer, and in step (e), the program interpreter executes the following steps [col.7, lines 6-42]:  
parsing program logic of the program logic file;

terminating default program logic in the default program logic file; and  
executing program logic in the program logic file, thereby completing application execution [col. 8, lines 30-46].

13. As to claim 7, Kenner teaches the invention as claimed including the client computer receives a program logic file replacing the default program logic file [col. 8, lines 47-51].

14. As to claim 8, Kenner teaches the invention as claimed including the client computer further comprises a program interpreter [col. 7, lines 37-42], which executes the following steps in step (e):

parsing program logic of the program logic file; and executing program logic in the program logic file, thereby completing application execution [col. 8, lines 30-46].

15. As to claim 9, Kenner teaches the invention as claimed including the configuration file further comprises a timer used for initializing the execution of steps (a) and (e) from client computer at preset times [col. 6, lines 63-65].

16. As to claim 10, Kenner teaches the invention as claimed including the configuration file further comprises a timer used for initializing the execution of steps (a), (d) and (e) from client computer at preset times [col. 6, lines 63-65].

17. As to claim 11, Kenner teaches the invention as claimed including the client computer further comprises a driver module used to initialize the execution of steps (a) and (e) from client computer [col. 4, lines 28-67; col. 5, lines 1-15].

18. As to claim 12, Kenner teaches the invention as claimed including the method for dynamically loading program logic [abstract, lines 1-5] comprising:

- a. launching an application and making a request from the client computer, wherein upon launch, a first program logic is executed and the client computer comprises a first program logic file comprising the first program logic and a first configuration file, comprising first version recognition code corresponding to the first program logic file [Fig. 1; col. 4, lines 30-37; col. 5, lines 51-64; col. 6, lines 40-65];
- b. receiving the request at server and transferring a second configuration file to the client computer based on said request, and wherein the second configuration file comprises a program logic file name, a program logic file address and a second version recognition code, wherein the program logic file address corresponds to a storage apparatus where the second program logic file corresponding to the file name of program logic is located [col. 4, line 54 to col. 5, line 7], and the second program logic file comprises a second program logic required for application execution, wherein the second version recognition code corresponds to the second program logic [Fig. 1; Fig. 3; col. 9, lines 15-20; col. 5, lines 58-62; col. 6, lines 17-47];
- c. receiving the second configuration file from client computer [col. 6, lines 56-67];

- d. determining whether the second version recognition code and the first version recognition code are identical at the client computer, if yes, the application execution proceeds in accordance with the first program logic, if not, executing step (e) [col. 6, lines 57-67];
- e. linking to the storage apparatus corresponding to the program logic file address and downloading the second program logic file corresponding to program logic filename in the second configuration file from the client computer; and executing the application at the client computer according to the second program logic in the second program logic file [col. 5, lines 50-65; col. 6, lines 40-47; col. 8, lines 18-47].

19. As to claims 13-14 and claims 16-20, they are corresponding to claims 2-11. Therefore, they are rejected for the same reason as claims 2-11 above.

20. As to claim 15, Kenner teaches the invention as claimed including the client computer replaces the first configuration file with the second configuration file [col. 6, line 60 to col. 7, line 16].

21. As to claims 21-31, these are system claims that correspond to the method claims 1-11. Therefore, they are rejected for the same reason as claims 1-11 above.

22. As to claims 32-40, these are system claims that correspond to the method claims 12-20. Therefore, they are rejected for the same reason as claims 12-20 above.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,732,275 to Kullick teaches a method and apparatus for managing and automatically updating software programs.


U.S. Patent No. 5,919,247 to Van Hoff teaches a method for the distribution of code and data updates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (703) 305-8788. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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